

STATE OF MICHIGAN  
COURT OF APPEALS

UNPUBLISHED

July 18, 2013

In the Matter of J. TORREZ, Minor.

No. 312975

Ingham Circuit Court

Family Division

LC No. 11-001811-NA

Before: SAWYER, P.J., and METER and DONOFRIO, JJ.

PER CURIAM.

Respondent appeals as of right from an order of the circuit court terminating her parental rights to the minor in issue. We affirm.

Termination of parental rights is required when a trial court finds that one or more statutory grounds for termination have been proven by clear and convincing evidence and finds by a preponderance of the evidence that termination is in the child's best interests. MCL 712A.19b(3) and (5); *In re Moss Minors*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 311610, issued May 9, 2013), slip op at 6. Respondent does not argue that petitioner failed to establish statutory grounds for termination. Her sole argument is that the trial court erred in determining that termination of her parental rights was in the best interests of the child. We review for clear error a trial court's decision regarding a child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence did show that respondent put effort into complying with the case service plan and showed some progress. However, the evidence also showed that respondent had not improved her parenting skills to a level where she could adequately care for the child. For example, a parenting-skills teacher testified that respondent had difficulty retaining information that was given to her. She stated that respondent got "very overwhelmed" in situations where the child was sick or fussy. The teacher opined that respondent was not in a position to have the child placed permanently in her care. Another parenting-class instructor testified that respondent struggled to comprehend the material provided. A "foster case manager" with St. Vincent Catholic Charities testified that respondent did not seem able to implement the parenting techniques that she was learning due to her cognitive limitations. She stated that it would be in the child's best interests for respondent's parental rights to be terminated. A clinical psychologist testified that she would not recommend that respondent be the child's custodial parent "based on everything put together. The cognitive ability, the severe elevation on the parenting index, the lack of insight into her own functioning, and a personality disorder

diagnosis.” The psychologist did not believe that respondent had the ability to comprehend the classes and therapy she was involved in “and apply [the information] to different situations with her children in her life.” One of the therapists who had worked with respondent testified that she believed respondent was in need of at least two to five years of ongoing mental-health counseling.

Given the above evidence, along with respondent’s acknowledged effort and her history with the Department of Human Services, the trial court properly concluded that respondent would not be able to achieve an adequate level of parenting competency in a reasonable period of time. Because substantial evidence was presented that showed respondent lacked the capacity to provide proper care to the child within a reasonable period of time, the trial court did not clearly err in determining that termination of respondent’s parental rights was in the best interests of the child.

Affirmed.

/s/ David H. Sawyer  
/s/ Patrick M. Meter  
/s/ Pat M. Donofrio